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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/380,351 | 08/31/1999 | EDWIN JAMES DUMORRIS EDDY | P-6374.03 | 2510 |

7590 12/16/2002

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EXAMINER

DEXTER, CLARK F

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3724

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/380,351

Applicant(s)
Eddy et al.

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 30, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-33, 38-47, and 50-52 is/are pending in the application.
- 4a) Of the above, claim(s) 27-33, 38-47, and 50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

1. The amendment filed September 30, 2002 has been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "linear driver" set forth in claims 51 (line 22) and 52 (line 23) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 112, 1st paragraph

3. Claims 51 and 52 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

No support appears to be provided in the original disclosure for the second support (disclosed as feature 16) being movable in a direction substantially perpendicular to the common horizontal plane as set forth in claims 51 (lines 26-27) and 52 (lines 27-28).

Claim Rejections - 35 USC § 112, 2nd paragraph

4. Claims 51 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 51, line 6, the recitation "metal cutter" is vague as to what is intended thereby (e.g., is the cutter made of metal or for cutting metal), and it is suggested to change it to --metal cutting means-- or the like; in lines 6-7, the recitation "said second support having ancillary undersupports disposed laterally to either side of said metal cutter" is vague and indefinite for various reasons - for example, there does not appear to be any portion of the second support (e.g., 16) which is disposed on either side of the metal cutter (e.g., 12), only downstream of the metal cutter; also in lines 6-7, the recitation "ancillary undersupports" is vague and indefinite as

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to what disclosed structure it refers; in lines 9-10, the recitation "at least one pair of horizontally spaced apart non-driven guide rollers" is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitation of "means to constrain lateral movement of said workpiece"; in line 12, "said constraint means" is improper and should be changed to --said constraining means-- or the like; in line 22, "a linear driver" is vague and indefinite as to what disclosed structure it refers; in line 23, "a conveyor table" is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitations of the first, second and third workpiece supports; also in line 23, "cutter" is misspelled; in line 25, "extensible" is vague and indefinite as to what structure is intended to be set forth thereby.

In claim 52, line 3, the recitation "separation unit" is vague and indefinite and appears to be inaccurate, particularly since it is not clear what is intended by the recitation that a separation unit (line 3) comprises a separation unit (line 7), and it seems that "separation unit" in line 3 should read --separation device-- or the like; in line 7, the recitation "metal cutter" is vague as to what is intended thereby (e.g., is the cutter made of metal or for cutting metal), and it is suggested to change it to --metal cutting means-- or the like; in lines 7-8, the recitation "said second support having ancillary undersupports disposed laterally to either side of said metal cutter" is vague and indefinite for various reasons - for example, there does not appear to be any portion of the second support (e.g., 16) which is disposed on either side of the metal cutter (e.g., 12), only downstream of the metal cutter; also in lines 7-8, the recitation "ancillary undersupports" is vague and indefinite as to what disclosed structure it refers; in lines 10-11, the

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recitation "at least one pair of horizontally spaced apart non-driven guide rollers" is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitation of "means to constrain lateral movement of said workpiece"; in line 13, "said constraint means" is improper and should be changed to --said constraining means-- or the like; in line 23, "a linear driver" is vague and indefinite as to what disclosed structure it refers; in line 24, "a conveyor table" is vague and indefinite as to what disclosed structure it refers, particularly in view of the previous recitations of the first, second and third workpiece supports; also in line 24, "cutter" is misspelled; in line 26, "extensible" is vague and indefinite as to what structure is intended to be set forth thereby; in line 29, the recitation of "said separation unit" is vague and indefinite and appears to be inaccurate, and it seems that it should read --said first support-- or the like; in line 34, "said separated sections" lacks positive antecedent basis, and it seems that "separated" should read --separate-- or the like.

Prior Art

5. Further consideration of the claimed invention with respect to the prior art as well as applicants' declaration will be given upon clarification of the claimed invention.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3590; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
December 12, 2002